

ORDINANCE 122435

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code, to revise provisions regarding the relationship of structure height limits to additions to structures in Pioneer Square Mixed zones.

WHEREAS Land Use Code standards for the Pioneer Square Mixed zone do not make special provision for the height of additions to buildings that exceed current height limits; and

WHEREAS additions to such buildings, not exceeding existing roof heights, could provide for enhanced structural stability and life safety systems; and

WHEREAS structural stability and life safety improvements would facilitate the preservation and protection of existing historic structures and maintain their purposeful use, in accordance with the purposes of the Pioneer Square Preservation District; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Subsection B of Section 23.49.178 of the Seattle Municipal Code, which Section was last amended by Ordinance 122330, is amended as follows:

**23.49.178 Pioneer Square Mixed, structure height.**

\*\*\*

B. Rooftop features and certain additions to structures may be permitted according to the provisions of Section 23.66.140.

\*\*\*

Section 2. Subsection C of Section 23.66.140 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

**23.66.140 Height.**

\*\*\*



1 C. Rooftop features and additions to structures. The height limits established for the  
2 rooftop features described in this subsection may be increased by the average height of the  
3 existing street parapet or a historically substantiated reconstructed parapet on the building on  
4 which the rooftop feature is proposed. The setbacks required for rooftop features may be  
5 modified by the Department of Neighborhoods Director, after a sight line review by the  
6 Preservation Board to ensure that the features are minimally visible from public streets and parks  
7 within three hundred (300) feet of the structure.  
8

9 1. Religious symbols for religious institutions, smokestacks and flagpoles may  
10 extend up to fifty (50) feet above the roof of the structure or the maximum height limit,  
11 whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they  
12 are a minimum of ten (10) feet from all lot lines.  
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14 2. Open railings, planters, clerestories, skylights, play equipment, parapets and  
15 firewalls may extend up to four (4) feet above the roof of the structure or the maximum height  
16 limit, whichever is less, with unlimited rooftop coverage.  
17

18 3. Solar collectors, excluding greenhouses, may extend up to seven (7) feet  
19 above the roof of the structure or the maximum height limit, whichever is less, with unlimited  
20 rooftop coverage, provided they are a minimum of ten (10) feet from all lot lines.  
21

22 4. The following rooftop features may extend up to eight (8) feet above the  
23 roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen  
24 (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet  
25 above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be  
26 required at common wall lines subject to review by the Preservation Board and approval by the  
27  
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Department of Neighborhoods Director. The combined coverage of the following listed rooftop

features shall not exceed fifteen (15) percent of the roof area:

- a. Solar collectors, excluding greenhouses;
- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Minor communication utilities and accessory communication

devices, except that height is regulated according to the provisions of Section 23.57.014.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. On ~~((S))~~ structures existing prior to June 1, 1989 and on additions to such structures permitted according to Section 23.66.140 C9 or otherwise, ~~((may add))~~ new or replacement ~~((existing))~~ mechanical equipment and stair and elevator penthouses may extend up to eight (8) feet above the elevation of the existing roof or addition, as applicable, ~~((elevation))~~ when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the elevation of the existing roof or addition, as applicable, ~~((elevation-))~~ when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. On structures where rooftop features are allowed under this subsection C5, the combined coverage of these rooftop features and any other features listed in subsection C4 shall not exceed the limit provided in subsection C4 of this section, as it may be increased pursuant to that subsection.

6. Residential and Office Penthouses.

1 a. Residential penthouses may cover a maximum of fifty (50)  
2 percent of the total roof surface and may extend up to eight (8) feet above the roof when set back  
3 a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof  
4 when set back a minimum of thirty (30) feet from the street property line.

5 b. Office penthouses shall be permitted only when the footprint of  
6 the existing structure is greater than ten thousand (10,000) square feet and the structure is at least  
7 sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of  
8 fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the  
9 total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the  
10 structure and shall be functionally integrated into the existing structure.

11 c. The combined height of the structure and a residential penthouse  
12 or office penthouse, where permitted, shall not exceed the maximum height limit for that area of  
13 the District in which the structure is located.

14 7. Screening of Rooftop Features. Measures may be taken to screen rooftop  
15 features from public view subject to review by the Preservation Board and approval by the  
16 Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop  
17 screening may exceed the maximum percentage of the combined coverage of rooftop features  
18 listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed  
19 fifteen (15) feet above the maximum height limit or height of an addition permitted according to  
20 Section 23.66.140 C9 or otherwise, whichever is higher.

21 8. See Section 23.57.014 for regulation of communication utilities and  
22 accessory devices.  
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### **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Planning and Development	Gordon Clowers, 684-8375	Amanda Allen, 684-8894

**Legislation Title:**

An ordinance relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code, to revise provisions regarding the relationship of structure height limits to additions to structures containing certain uses in Pioneer Square Mixed zones.

- **Summary of the Legislation:** The legislation would allow for building additions to historic structures in Pioneer Square that exceed the current height limits, which were first defined for the Pioneer Square Mixed zone in 1985. Such additions and associated rooftop features would be permissible where at least two existing non-street-facing walls enclose a portion of the property that is near an alley and that any addition above the height limit is limited to residential uses established by permit.
- **Background:** The Alaska Building, which exceeds the current 100-foot height limit by about 75 feet, is a building that could benefit from a proposed addition, to enhance its life safety systems and structural resistance to earthquakes. This building is proposed to be remodeled for hotel use but the amended legislation would limit the area above the height limit on the addition for residential use only. In order for a building addition to extend above the current height limit to roof heights above 100 feet, the proposed amendments are needed. The amendments would be applicable to only the Alaska Building and one other building, the Frye Hotel. It would have no effect on the Smith Tower due to the existing zoning at that location.
- *Please check one of the following:*

  X   **This legislation does not have any financial implications.**

Attachment A: Director's Report and Recommendation



## INTRODUCTION

On December 4, 2006, the Department of Planning and Development (DPD) was requested to amend the City's Land Use Code, Chapter 23.49.178, to provide an exception to maximum structure height for "infill additions" to existing buildings, when such additions are *"adjacent to an alley on a non-street facing façade that is enclosed on at least two sides by walls of the same existing building."*

DPD supports the rationale for a Land Use Code amendment to accommodate building additions in existing buildings above zoned height limits in Pioneer Square. The proposed amendments would accommodate infill additions to existing buildings that exceed maximum structure height in the Pioneer Square neighborhood when street-facing facades are not altered. This would accommodate improvements to life safety systems and structural strength against earthquakes, and would also encourage economic investment in reuse of historic buildings, with associated benefits to the neighborhood as a whole.

The proposal would amend Land Use Code provisions applicable to Pioneer Square to address the rare situation of structural additions to existing buildings that exceed maximum structure height. Given current building patterns and the details of the proposal, this change should be applicable only to two buildings—the Alaska Building (at 2<sup>nd</sup>/Cherry) and the Frye Hotel (at 3<sup>rd</sup>/Yesler). Height limits applicable to the Smith Tower property already accommodate building additions in the lower base of that structure, so it would not be affected by this proposal.

## BACKGROUND

Pioneer Square, a neighborhood within the Downtown Urban Center, is subject to zoning, land use and development standards associated with the Pioneer Square Mixed (PSM) zone (see SMC 23.49.178) and the Pioneer Square Preservation District (see SMC 23.66.100 through .190). Several reasons for these regulations are cited in the City's Land Use Code, including preservation of historically and architecturally significant buildings in this unique district, and maintaining its social and business diversity. The Pioneer Square Preservation Board reviews proposals for changes to buildings and new construction in Pioneer Square, making recommendations to the Director of the Department of Neighborhoods. Preservation Board review helps maintain the visual and historic character of the district.

The PSM zone and maximum structure height limits were first established in 1985. Three height districts associated with the PSM zone are defined in SMC section 23.49.178, including 100-foot, 100- to 120-foot, and 85- to 120-foot districts. A PSM 245' zone is established for the Smith Tower, acknowledging the preeminent and unique circumstances of this landmark structure. Development standards also allow rooftop features such as flagpoles, railings, skylights and mechanical equipment above the rooftop or height limit whichever is less.

The following existing buildings within the PSM zone exceed current height limits:

- |  |          |
|--|----------|
| • Alaska Building (2 <sup>nd</sup> /Cherry)                    | 177 feet |
| • Frye Hotel (3 <sup>rd</sup> /Yesler)                         | 130 feet |
| • Smith Tower (2 <sup>nd</sup> /Yesler)                        | 467 feet |
| • Olympic Building (1 <sup>st</sup> /Yesler)                   | 112 feet |
| • King Street Station clock tower (near 2 <sup>nd</sup> /King) | 247 feet |

These buildings are all occupied except for the Alaska Building. Similar to other buildings in the neighborhood, the Alaska Building, due to its location and subsurface conditions, is subject to potential damage from earthquake events and has not been significantly reinforced in its current condition.

## ANALYSIS

The Land Use Code currently permits additions to structures that are below maximum structure height limits in the PSM zone. Normal processes of gaining approval for such actions are needed, including review by the Pioneer Square Preservation Board. However, the Land Use Code does not allow additions to the upper portions of buildings that exceed maximum structure height limits, within Pioneer Square.

The proposed amendments are intended to limit the degree of physical change visible from most viewpoints. As noted, only five structures exceed the maximum height limit, and of those only two would be affected by the proposed amendments: the Alaska Building and the Frye Hotel Building. In the case of both eligible buildings, some on-street perspectives of the building could be affected—for example, in westward views from Fourth Avenue at Cherry Street toward the Alaska Building, and eastward views toward the Frye Hotel from the vicinity of Second Avenue Extension and S. Washington Street. If an addition occurs, the westward view toward the Alaska Building, currently featuring brick walls, windows and fire escapes, would be modified by a likely addition. If a Frye Hotel addition occurred, it could create a slightly bulkier appearance due to a less-modulated wall.

Given the limited potential for altered building bulk, the overall risk of significantly affecting the architectural qualities of the structures and their contributions to the character of the historic district is low. This risk is further minimized because potential additions will be reviewed by the Pioneer Square Preservation Board.

### *Seismic Hazards*

Seismic hazards in the Pioneer Square area are related to the proximity of the Seattle Fault zone to the south. Considering building age and composition, there is a significant risk of major damage due to seismic events unless structural improvements are undertaken. Building additions can be designed to provide enhanced structural support to the building, in ways that may be preferable to internal bracing of the existing building that might be more expensive to install and might necessitate greater visual changes to street-facing facades. The proposed amendments would facilitate building alterations that would enhance structural stability.

## RECOMMENDATION

DPD recommends the following new subsection C9 to Section 23.66.140, applicable to structure height in Pioneer Square be approved:

***9. For a structure that has existed since before June 10, 1985 and is nonconforming as to structure height, an addition to the structure may extend to the height of the roof of the existing structure if the addition occupies only all or a portion of the part of a lot that is bounded by an alley on one side and is bounded on at least two sides by walls of the existing structure that are not street-facing facades.***

In addition, an amendment to subsection C5 of Section 23.66.140 indicates that stair and elevator penthouses are among the rooftop features that can be located on additions permitted according to Section 23.66.140 C9.

The Pioneer Square Preservation Board was briefed on the proposed amendments and, according to Department of Neighborhoods (DON), the Board was supportive of the rationale for the changes.





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

April 10, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill that defines structure height limits for additions to certain structures in the Pioneer Square Mixed zone as the Land Use Code does not provide guidance regarding additions to historic structures that exceed the current height limits. Such additions can provide improved structural strength against earthquakes, improved life safety systems, and enhance emergency egress.

Of the five structures that exceed the maximum height limit in Pioneer Square, only the Alaska Building and the Frye Hotel would be affected by the Code amendments proposed in this Bill. Any suggested alterations will be required to be reviewed by the Pioneer Square Preservation Board to ensure the architectural integrity of these two buildings, and the historic character of the Pioneer Square neighborhood, is maintained.

Passage of this legislation will contribute toward the safe use of historic buildings in Pioneer Square, and contribute to the continued vibrancy of this special neighborhood. Thank you for your consideration of this legislation. Should you have questions, please contact Gordon Clowers at 684-8375.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over the printed name and title.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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214008  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

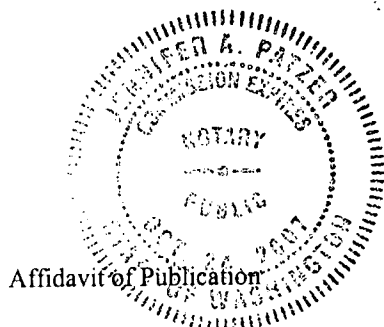
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122435 ORDINANCE


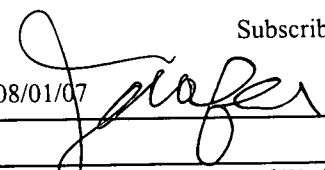
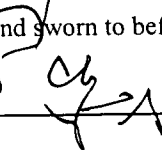
was published on

08/01/07

The amount of the fee charged for the foregoing publication is the sum of \$ 279.00, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
08/01/07    
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code, to revise provisions regarding the relationship of structure height limits to additions to structures in Pioneer Square Mixed zones.

WHEREAS Land Use Code standards for the Pioneer Square Mixed zone do not make special provision for the height of additions to buildings that exceed current height limits; and

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Section 1. Subsection B of Section 23.49.178 of the Seattle Municipal Code, which Section was last amended by Ordinance 122330, is amended as follows:

#### **23.49.178 Pioneer Square Mixed, structure height.**

\*\*\*

B. Rooftop features and certain additions to structures may be permitted according to the provisions of Section 23.66.140.

\*\*\*

Section 2. Subsection C of Section 23.66.140 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

#### **23.66.140 Height.**

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1 C. Rooftop features and additions to structures. The height limits established for the  
2 rooftop features described in this subsection may be increased by the average height of the  
3 existing street parapet or a historically substantiated reconstructed parapet on the building on  
4 which the rooftop feature is proposed. The setbacks required for rooftop features may be  
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10 extend up to fifty (50) feet above the roof of the structure or the maximum height limit,  
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12 are a minimum of ten (10) feet from all lot lines.  
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16 limit, whichever is less, with unlimited rooftop coverage.  
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22 4. The following rooftop features may extend up to eight (8) feet above the  
23 roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen  
24 (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet  
25 above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be  
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1 required at common wall lines subject to review by the Preservation Board and approval by the  
2 Department of Neighborhoods Director. The combined coverage of the following listed rooftop  
3 features shall not exceed fifteen (15) percent of the roof area:

- 4 a. Solar collectors, excluding greenhouses;
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- 7 d. Minor communication utilities and accessory communication  
8 devices, except that height is regulated according to the provisions of Section 23.57.014.

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10 Additional combined coverage of these rooftop features, not to exceed twenty-five (25)  
11 percent of the roof area, may be permitted subject to review by the Preservation Board and  
12 approval by the Department of Neighborhoods Director.

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14 5. On ((S)) structures existing prior to June 1, 1989 and on additions to such  
15 structures permitted according to Section 23.66.140 C9 or otherwise, ((may add)) new or  
16 replacement ((existing)) mechanical equipment and stair and elevator penthouses may extend up  
17 to eight (8) feet above the elevation of the existing roof or addition, as applicable, ((elevation))  
18 when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an  
19 alley; or may extend up to twelve (12) feet above the elevation of the existing roof or addition, as  
20 applicable, ((elevation-)) when they are set back a minimum of thirty (30) feet from the street,  
21 subject to review by the Preservation Board and approval by the Department of Neighborhoods  
22 Director.

23  
24  
25 6. Residential and Office Penthouses.

1 a. Residential penthouses may cover a maximum of fifty (50)  
2 percent of the total roof surface and may extend up to eight (8) feet above the roof when set back  
3 a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof  
4 when set back a minimum of thirty (30) feet from the street property line.

5 b. Office penthouses shall be permitted only when the footprint of  
6 the existing structure is greater than ten thousand (10,000) square feet and the structure is at least  
7 sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of  
8 fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the  
9 total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the  
10 structure and shall be functionally integrated into the existing structure.  
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12 c. The combined height of the structure and a residential penthouse  
13 or office penthouse, where permitted, shall not exceed the maximum height limit for that area of  
14 the District in which the structure is located.  
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16 7. Screening of Rooftop Features. Measures may be taken to screen rooftop  
17 features from public view subject to review by the Preservation Board and approval by the  
18 Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop  
19 screening may exceed the maximum percentage of the combined coverage of rooftop features  
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1 8. See Section 23.57.014 for regulation of communication utilities and  
2 accessory devices.

3 9. For a structure that has existed since before June 10, 1985 and is  
4 nonconforming as to structure height, an addition to the structure may extend to the height of the  
5 roof of the existing structure if the addition occupies only all or a portion of the part of a lot that  
6 is bounded by an alley on one side and is bounded on at least two sides by walls of the existing  
7 structure that are not street-facing facades.  
8

9 \*\*\*

10 Section 3. This ordinance shall take effect and be in force thirty (30) days from and  
11 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
12 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13  
14 Passed by the City Council the \_\_\_\_ day of \_\_\_\_, 2007, and signed by me in open  
15 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_, 2007

16  
17 \_\_\_\_\_  
18 President \_\_\_\_\_ of the City Council

19 Approved by me this \_\_\_\_ day of \_\_\_\_, 2007.

20 \_\_\_\_\_  
21 Gregory J. Nickels, Mayor

22 Filed by me this \_\_\_\_ day of \_\_\_\_, 2007.

23 \_\_\_\_\_  
24 City Clerk

25 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Planning and Development	Gordon Clowers, 684-8375	Amanda Allen, 684-8894

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- *Please check one of the following:*

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Attachment A: Director's Report and Recommendation



## State of Washington, King County

### City of Seattle

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1. Religious symbols for religious institutions, smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure or the maximum height limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of ten (10) feet from all lot lines.

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4. The following rooftop features may extend up to eight (8) feet above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen (15) percent of the roof area:

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d. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.014.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. On ((S))structures existing prior to June 1, 1989 and on additions to such structures permitted according to Section 23.66.140 C9 or otherwise, ((may add)) new or replacement ((existing)) mechanical equipment and stair and elevator penthouses may extend up to eight (8) feet above the elevation of the existing roof or addition, as applicable, ((elevation)) when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the elevation of the existing roof or addition, as applicable, ((elevation)) when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. On structures where rooftop features are allowed under this subsection C6, the combined coverage of these rooftop features and any other features listed in subsection C4 shall not exceed the limit provided in subsection C4 of this section, as it may be increased pursuant to that subsection.

6. Residential and Office Penthouses.

a. Residential penthouses may cover a maximum of fifty (50) percent of the total roof surface and may extend up to eight (8) feet above the roof when set back a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit or height of an addition permitted according to Section 23.66.140 C9 or otherwise, whichever is higher.

8. See Section 23.57.014 for regulation of communication utilities and accessory devices.

9. For a structure that has existed since before June 10, 1985 and is nonconforming as to structure height, an addition to the structure may extend to the height of the roof of the existing structure if (a) the use of the addition above the limit on structure height applicable under Section 23.49.178 is limited to residential use and (b) the addition occupies only all or a portion of the part of a lot that is bounded by an alley on one side and is bounded on at least two sides by walls of the existing structure that are not street-facing facades.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of July, 2007, and signed by me in open session in authentication of its passage this 16th day of July, 2007

Nick Licata

President of the City Council

Approved by me this 23rd day of July, 2007.

Gregory J. Nickels, Mayor

Filed by me this 27th day of July, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication, in the Seattle Daily Journal of Commerce, August 1, 2007.

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